

Franklin and State of Ohio, and being the space generally described as the first floor of the building at Number 536 Park Street South, as has been and is now occupied by the Paper Warehouse, including the front office space heretofore occupied by the foreman of the bindery.

This lease has been properly executed by the lessor above named and from a legal point of view the same is in all respects regular as to form.

However, I am required to disapprove this lease as submitted for the reason that the same is not accompanied by a contract encumbrance record or certificate as is required by section 2288-2, General Code. Giving effect to the provisions of this section of the General Code in so far as the same can be applied to a contract of this kind, a contract encumbrance record over the signature of the Director of Finance should be secured with respect to this lease, which contract encumbrance record should cover the moneys available and payable on the monthly installments of rent under the lease which should be in a sum not less than that which is equal to one month's rent under the lease and which under the present partial appropriation account, House Bill No. 33, cannot be for a sum which is more than six months' rent under the lease.

For the reason above stated, I am returning this lease to you without approval with the request that after you have obtained the contract encumbrance record or certificate above referred to, the lease and the contract encumbrance record be again submitted to me for my approval.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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69.

APPROVAL—LEASE TO CERTAIN OFFICE ROOMS FOR USE  
OF INDUSTRIAL COMMISSION OF OHIO.

COLUMBUS, OHIO, January 30, 1937.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a certain lease executed by The Union Land and Building Company to the State of Ohio, acting through you as Director of Public Works. By

this instrument there is leased and demised to the state certain rooms located on the eighth floor of a certain office building known as The Realty Building and the office space therein referred to is leased for the use and occupancy of the Industrial Commission of Ohio. It does not appear from this lease instrument where in the State of Ohio this building and the leased rooms therein are situated. And although this is a matter which can, doubtless, be readily determined by you by information aside from the provisions and recitals of the lease, it is suggested that inasmuch as this lease instrument is being returned to you for correction with respect to another matter hereinafter indicated, the lease be corrected by setting out therein the name of the city or other political subdivision in which this building is situated.

This lease is one for a term of two years commencing on the first day of January, 1937, and ending on the thirty-first day of December, 1938, and provides for an annual rental of \$2400.00 payable in monthly installments of \$200.00. Inasmuch as the existing appropriation act, House Bill No. 33 approved by the Governor under date of January 14, 1937, does not cover obligations accruing to the state during the whole of the period of time covered by this lease but is limited to the payment of obligations accruing between January 1, 1937, and June 30, 1937, inclusive, it is suggested, giving effect to the decision of the Supreme Court in the case of *State, ex rel. Ross, vs. Donahey, Auditor of State*, 93 O. S., 414, that a provision be noted in this lease reading as follows:

“This lease is made subject to appropriation made or to be made by the legislature and neither the Director of Public Works, the members of the Industrial Commission nor any other state officer shall be liable for the payment of rent under this lease if such appropriation is not made.”

Moreover, giving effect to the provisions of section 2288-2, General Code, you are requested to obtain a contract encumbrance record or certificate over the signature of the Director of Finance for and with respect to this lease, which contract encumbrance record should cover the moneys available and payable on the monthly installments of rent under the lease and which should be in a sum not less than that which is equal to one month's rent under the lease and which under the present appropriation act cannot be for a sum which is more than six months' rent under the contract.

For the reasons herein indicated, I am returning this lease to you without approval with the request that the lease be corrected as above indicated and that when such corrections have been made this lease,

together with the contract encumbrance record, be again submitted to me for approval.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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70.

APPROVAL—LEASE TO OFFICE ROOMS IN CLEVELAND,  
OHIO, FOR USE OF DIVISION OF BANKS.

COLUMBUS, OHIO, January 30, 1937.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a certain lease executed by The Union Lennox Company of Cleveland, Ohio, under date of December 22, 1936, to the State of Ohio, acting by and through you as Director of the Department of Public Works, for the use of the Division of Banks, Department of Commerce, in and by which in consideration of the payment of an annual rental of \$900.00 in monthly installments of \$75.00 each, there is leased and demised to the state Room Number 1057 and the east one-half of Room Number 1056 on the tenth floor of the lessor's building at Number 925 Euclid Avenue in the city of Cleveland, Ohio.

This lease has been properly executed and, with the exception here noted, the same is in proper form. This lease is one for a term of two years, commencing on the first day of January, 1937, and ending on the last day of December, 1938. In this connection, it is suggested, giving effect to the decision of the Supreme Court in the case of *State, ex rel., Ross, vs. Donahey, Auditor of State*, 93 O. S., 414, that inasmuch as under the present appropriation act, House Bill No. 33 approved by the Governor under date of January 14, 1937, the moneys therein appropriated can be expended only for the payment of obligations from January 1, 1937, to June 30, 1937, inclusive, a provision be inserted in this lease reading as follows:

“This lease is made subject to appropriation made or to be made by the legislature and neither the Director of Public Works, the Superintendent of Banks nor any other state officer